

**CITY OF SAN ANTONIO
CITY CLERK'S OFFICE
INTERDEPARTMENTAL MEMORANDUM**

TO: Mayor and City Council

FROM: Yolanda L. Ledesma, Acting City Clerk

COPIES TO: Terry M. Brechtel, City Manager; Travis Bishop, Assistant City Manager; Erik J. Walsh, Assistant to the City Manager; Management Team; Andrew Martin, City Attorney; Files

SUBJECT: An Ordinance approving a contract with Bexar County Elections Administrator to conduct the Joint Special Election scheduled for Tuesday, November 4, 2003

DATE: September 25, 2003

SUMMARY & RECOMMENDATION

This ordinance will provide for the Bexar Election Administrator to provide election services (lease of equipment; tabulation of early voting and Election Day voting) and approves a contract for these services. The Ordinance also sets forth the duties and responsibilities of the City of San Antonio, Bexar County, and the Bexar County Elections Administrator in connection with said Election and authorizes the City Manager to execute said contract for Election Services. It also provides for payment in connection with the contract for Election services authorized herein.

Staff recommends approval of this ordinance.

BACKGROUND INFORMATION

Bexar County through the Bexar County Elections Administrator will provide for the City the various services for this election. An agreement was reached to consolidate our Special Election with Bexar County, the Northeast Independent School District (NEISD) and Bexar Metropolitan Water District (Bexar Met) under the auspices of the Bexar County Elections Administrator. The duties and responsibilities of the Bexar County Elections Administrator included in the contract are as follows:

- a) Provide general overall supervision of the election and advisory services.
- b) Conduct early voting, in person, and by mail.
- c) Procure, prepare, and distribute adequate election equipment and transport equipment to and from the initial polling locations, including early voting substations.

- d) Meet ADA requirements as the law relates to polling locations and voter assistance.
- e) Rental/Lease of cellular phones for early voting.
- f) Provision of a report of early voting results by precinct for city districts as well as for election night at 7:00 P.M.
- g) Provision of at least ten (10) County employees to operate telephones at main Administrative Office on Tuesday, November 4, 2003, from 6:30 a.m. until 10:00 p.m.
- h) Distribute the lists of registered voters to be used in conducting the election, as provided by Bexar County Voter Registration.
- i) Preparation and programming of the ballots on the AIS 650 Optical Scanner
- j) Procure and distribute election supplies, including, but not limited to, the preparation, printing, and distribution of ballots and sample ballots.
- k) Establish a Central Counting Station for the purpose of tabulating ballots.
- l) Pay election day and early voting judges and clerks.
- m) Provide such incidental related services as may be deemed necessary to effect the election.

POLICY ANALYSIS

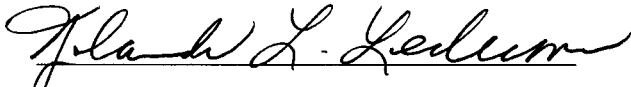
The City of San Antonio has traditionally contracted with Bexar County and joined other entities for election purposes in order to facilitate voting for its citizens and as a means of cutting the costs of the election process.

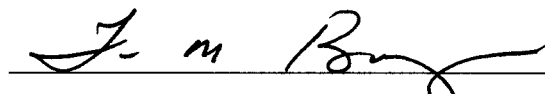
FINANCIAL IMPACT

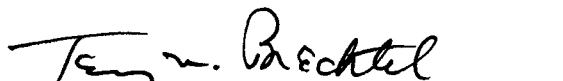
This contract for election services with the Bexar County Elections Administrator is estimated to cost \$372,400.29.

COORDINATION

The proposed ordinance has been coordinated with the City Attorney's Office, Office of Budget and Management, and the Bexar County Elections Department


Yolanda L. Ledesma, Acting City Clerk


Travis Bishop, Assistant City Manager


Terry M. Brechtel, City Manager

ORIGINAL

THE STATE OF TEXAS §
 § CONTRACT FOR ELECTION SERVICES
COUNTY OF BEXAR §

This Contract is entered into by and between the BEXAR COUNTY ELECTIONS ADMINISTRATOR ("ADMINISTRATOR") on behalf of a political subdivision of the State of Texas, and the CITY OF SAN ANTONIO ("COSA"), pursuant to Texas Election Code Section 31.092.

W I T N E S S E T H

WHEREAS, COSA, by appropriate action of its governing body acting in accordance with all applicable laws, has called an election to be held on Tuesday, November 4, 2003 and desires that certain elected services be provided by ADMINISTRATOR through his Elections Department; and

WHEREAS, ADMINISTRATOR has provided cost estimates for election services to be rendered by his office pursuant to the terms of this Contract, which estimates are set out on Exhibits "A," and "B" and identify for costs, attached hereto and made a part hereof; and

WHEREAS, COSA and ADMINISTRATOR desire to enter into a contract setting out the respective responsibilities of the parties;

NOW, THEREFORE, it is hereby agreed as follows:

ARTICLE I

PURPOSE

1.01. The parties hereto have entered into this Contract for election services described in Article II to be provided to COSA for its election to be held on November 4, 2003.

ARTICLE II

SERVICES

2.01. ADMINISTRATOR agrees to provide to the COSA the following general services:

- (A) Procure and distribute election supplies, including, but not limited to, the preparation, printing and distribution of ballots and sample ballots;
- (B) Procure election judges and clerks for early voting and election day voting;
- (C) Procure early voting polling places and election day polling places, as ordered;
- (D) Procure, prepare, and distribute adequate election equipment and transport equipment to and from the initial polling locations, including early voting substations, for COSA;
- (E) Distribute the lists of registered voters to be used in conducting the election, as provided by Bexar County Voter Registration pursuant to the request by COSA;
- (F) Pay election day and early voting judges and clerks;
- (G) Pay the judges for election night returns and early voting returns;
- (H) Provide information for election officers;
- (I) Provide general overall supervision of the election and advisory services;
- (J) Prepare writ of election to election officers and notice of appointment to Presiding and Alternate judges, as required by law;
- (K) Conduct early voting, in person and by mail, for COSA;
- (L) Establish a Central Counting Station for the purpose of tabulating ballots;
- (M) Provide such incidental related services as may be necessary to effect the election;
- (N) Meet ADA requirements as the law relates to polling locations and voter assistance, etc; and
- (O) Provide for Central Count Tabulation (s):

- a. Preparation and programming of the ballots on the AIS 650 Optical Scanner
- b. Preparation and tabulation of votes from the iVotronic Voting System, if ADMINISTRATOR approves use of that system in this election.

ARTICLE III

SCHEDULE FOR PERFORMANCE OF SERVICES

3.01. Specific services to be provided related to the general services identified in Article II shall be performed in accordance with the time requirements set out in the Texas Election Code.

ARTICLE IV

SERVICES NOT PROVIDED BY COUNTY

4.01. ADMINISTRATOR shall have no responsibility for insuring the passage of the appropriate Election Order by the San Antonio City Council, preparing or sending Justice Department Submissions, publishing and (or) posting the election notice as required by the Texas Election Code Section 4.003, or canvassing election results. ADMINISTRATOR shall have no responsibility as custodian of COSA'S election records.

ARTICLE V

TERM

5.01. Except as hereinafter set out, the term of this Contract shall be from the time of execution until all items with respect to this Contract and the election held hereunder have been completed.

ARTICLE VI

COST OF SERVICE AND BILLING

6.01 In consideration for the services provided hereunder by

ADMINISTRATOR, COSA agrees to pay ADMINISTRATOR the pro rata share of performing the services, including any overtime incurred by ADMINISTRATOR'S employees. COSA further agrees to deposit with ADMINISTRATOR \$ 190,913.32 no later than October 1, 2003, and the remainder \$ 190,913.32, no later than October 20, 2003 to cover the estimated cost.

6.02 In the event the actual election costs exceed COSA'S deposit, the difference between the actual costs and the deposit will be paid by COSA within 30 days after receiving an itemized invoice from ADMINISTRATOR. Payment shall be made by check payable to the Bexar County Clerk and mailed to:

Clifford R. Borofsky
Bexar County Elections Administrator
203 W Nueva St., Ste. 3.61
San Antonio, Texas 78207-4505

6.03 Any monies remaining after the payment of all costs of elections bills, shall be the property of the COSA and returned to it.

ARTICLE VII

GENERAL PROVISIONS

7.01. This Contract shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Bexar County, Texas.

7.02. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

7.03. This Contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understanding or written or oral agreement between the parties respecting the written subject matter.

7.04. No amendment, modification, or alteration of the term hereof shall be binding unless the same be in writing, dated subsequent to the date hereof and duly executed by the parties hereto.

ELECTIONS ADMINISTRATOR

BY: 
CLIFFORD R. BOROFSKY

CITY OF SAN ANTONIO

BY: _____
PRINT _____
TITLE _____

APPROVAL:

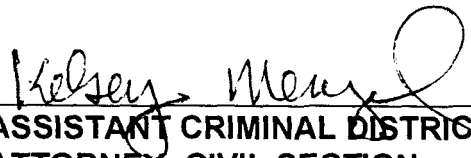
BY: _____
NELSON W. WOLFF
COUNTY JUDGE

ATTEST: _____
PRINT _____
TITLE _____

ATTEST: _____
GERRY C. RICKHOFF
COUNTY CLERK

APPROVED AS TO LEGAL FORM:

SUSAN D. REED
CRIMINAL DISTRICT ATTORNEY
BEXAR COUNTY, TEXAS

BY: 
ASSISTANT CRIMINAL DISTRICT
ATTORNEY - CIVIL SECTION

APPROVED AS TO FINANCIAL CONTENT:

BY: _____
TOMMY TOMPKINS
COUNTY AUDITOR

BY: _____
MARCUS JAHNS
COUNTY BUDGET OFFICER

CITY OF SAN ANTONIO ELECTION		EXHIBIT "A"		4-Nov-03	
I	Early Voting	Units	Cost Per Unit	Estimated	TOTALS
A	REMUNERATION				
	REMUNERATION SUMMARY				
	NUMBER OF JUDGES	1			
	HOURS WORKED	121	\$7.00	\$847.00	
	NUMBER OF CLERKS	2			
	HOURS WORKED	121	\$6.00	\$1,452.00	
	JUDGES DAILY RETURN FEE				
	NUMBER OF TRIPS	12			
	COST PER TRIP		\$5.00	\$60.00	
	COST PER CREW	CC		\$2,359.00	
	NUMBER OF SITES	26			
	WAGES			\$61,334.00	
	TOTAL FICA			\$4,692.05	
	TOTAL REMUNERATION			\$66,026.05	\$66,026.05
B	PRINTING				
	PRINTING OF EARLY VOTING SUPPLIES				
	FORMATTING STYLE	5	\$50.00	\$250.00	
	COST OF BALLOTS		\$0.26		
	NUMBER OF BALLOTS	10,000		\$2,600.00	
	COST OF SAMPLE BALLOTS		\$0.05		
	NUMBER OF SAMPLE BALLOTS	10,000		\$500.00	
	Freight		\$0.00	\$0.00	
	TOTAL PRINTING			\$3,350.00	\$3,350.00
C	MAIL				
	NUMBER OF WHITE ENVELOPES	10,000	\$0.09	\$900.00	
	NUMBER APPLICATIONS	10,000	\$0.05	\$500.00	
	NUMBER OF CARRIER ENVELOPES	10,000	\$0.09	\$900.00	
	NUMBER OF TRANSPORT ENVELOPES	10,000	\$0.09	\$900.00	
	NUMBER OF POSTAGE STAMPS	10,000	\$0.55	\$5,500.00	
	TOTAL MAIL			\$8,700.00	\$8,700.00
D	TEMPORARY WORKERS				
	NUMBER OF TEMPORARY EMPLOYEES/MAIL	3			
	HOURS WORKED	240	\$10.00	\$7,200.00	
	NUMBER OF MONTHS	2			
	WORKMANS COMP UNEMPLOYEMENT		\$49.33	\$98.66	
	iVotronic PREPARATION				
	NUMBER OF TEMPORARY EMPLOYEES	10	\$10.00		
	HOURS WORKED	60		\$6,000.00	
	WAREHOUSE				

	NUMBER OF TEMPORARY EMPLOYEES	3			
	HOURS WORKED	240	\$8.25	\$5,940.00	
	WORKMANS COMP UNEMPLOYEMENT		\$49.33		
	NUMBER OF MONTHS	2		\$98.66	
	FICA			\$1,005.21	
	TOTAL TEMP EMPLOYEE COST			\$20,342.53	\$20,342.53
E	RENTAL				
	NUMBER OF SITES	26			
	NUMBER OF SITES COSTS	3	\$500.00	\$1,500.00	
	NUMBER OF IVOTRONICS	5	\$237.80	\$30,914.00	
	NUMBER OF IVOTRONICS - ADA	1	\$286.10	\$7,438.60	
	NUMBER OF FLASH CARDS	26	\$33.00	\$858.00	
	NUMBER OF PEBS	104	\$7.50	\$780.00	
	NUMBER OF DAYS BALLOT CANS USED	0	\$6.00	\$0.00	
	NUMBER OF BALLOT CANS AND SEAL	0	\$1.50	\$0.00	
	VANS		\$0.00	\$0.00	
	TRUCK RENTAL		\$0.00	\$0.00	
	NUMBER OF BALLOT SLEEVES	0	\$0.80	\$0.00	
	NUMBER OF COMPUTERS	26	\$200.00	\$5,200.00	
	NUMBER OF TV'S	26	\$10.00	\$260.00	
	NUMBER OF TABLES	12	\$6.00	\$72.00	
	NUMBER OF CHAIRS	36	\$1.50	\$54.00	
	NUMBER LOCKS ,CHAINS, FILE CABINETS	26	\$5.00	\$130.00	
	TOTAL RENTAL			\$47,206.60	\$47,206.60
F	STAFFTIME				
	ORDER BALLOTS	0	\$16.38	\$0.00	
	DAILY RETURNS				
	NUMBER OF EMPLOYEES	8	\$16.38		
	HOURS WORKED (DAYS X NO. HOURS)	36		\$4,717.44	
	FICA 7.65			\$90.22	
	TOTAL WAGES			\$4,807.66	
	PRO RATA COST	1			
	TOTAL STAFFTIME			\$4,807.66	\$4,807.66
G	E.B.B.AND S.V.C.				
	EARLY BALLOT BOARD				
	NUMBER OF BOARD MEMBERS	10			
	HOURS WORKED	16	\$7.00	\$1,120.00	
	SIGNATURE VERIFICATION COMM.				
	NUMBER OF MEMBERS	0			
	HOURS WORKED	0	\$7.00	\$0.00	
	TOTAL WAGES			\$1,120.00	
	UNEMPLOYMENT			\$0.08	

	FICA 7.65			\$85.68	
	PRO RATA COST	1			
	TOTAL E.B.B. AND S.V.C. COST			\$1,205.76	\$1,205.76
H	PUBLICATION POLLING PLACES				
	EXPRESS NEWS	1	\$18,000.00	\$18,000.00	
	LA PRENSA	1	\$1,200.00	\$1,200.00	
	PRO RATA COST	1		\$0.00	
	TOTAL PUBLICATION			\$19,200.00	\$19,200.00
I	MISCELLANEOUS				
	NUMBER OF DISKETTES	52	\$0.30	\$15.60	
	NUMBER OF LABELS	26	\$15.00	\$390.00	
	NUMBER OF CELL PHONES	25	\$35.00	\$875.00	
	NUMBER OF RIBBONS	26	\$20.00	\$520.00	
	SHRINK WRAP COST	0	\$50.00	\$0.00	
	TRAINING CLASS FOR E.V. JUDGES				
	NUMBER OF JUDGES	0			
	NUMBER OF HOURS	0	\$20.00	\$0.00	
	PARKING FOR JUDGES RATE				
	NUMBER HOURS PARKED	0	\$4.00	\$0.00	
	WRITS AND MAILOUTS TO JUDGES				
	ENVELOPES AND POSTAGE	10	\$0.40	\$4.00	
	NUMBER OF KITS	3	\$35.00	\$105.00	
	TOTAL MISCELLANEOUS			\$1,909.60	\$1,909.60
K	SUMMARY OF E.V. COST				
	REMUNERATION			\$66,026.05	\$66,026.05
	PRINTING OF E.V. SUPPLIES			\$3,350.00	\$3,350.00
	MAIL			\$8,700.00	\$8,700.00
	TEMPORARY EMPLOYEE COST			\$20,342.53	\$20,342.53
	RENTAL			\$47,206.60	\$47,206.60
	STAFFTIME			\$4,807.66	\$4,807.66
	E.B.B.AND S.V.C. COST			\$1,205.76	\$1,205.76
	MISCELLANEOUS			\$1,909.60	\$1,909.60
	PUBLICATION			\$19,200.00	\$19,200.00
	EARLY VOTING COST SUBTOTAL			\$172,748.20	\$172,748.20
	TOTAL EARLY VOTING COST				
	10% CONTRACT FEE EARLY VOTING			\$17,274.82	\$17,274.82
	Grand Total Early Voting			\$190,023.02	\$190,023.02

	CITY OF SAN ANTONIO ELEC	EXHIBIT "B"	4-Nov-03		
	Election Day	Units	Cost Per Unit	Estimated	TOTALS
II	REMUNERATIONS				
A	NUMBER OF JUDGES	1			
	HOURS WORKED	14	\$7.00	\$94.50	
	NUMBER OF CLERKS	2			
	HOURS WORKED	14	\$6.00	\$162.00	
	FICA 7.65 FOR JUDGES AND CLERKS			\$19.62	
	TOTAL WAGES JUDGES and CLERKS			\$276.12	
	NUMBER OF SITES	300	\$82,836.68	\$82,836.68	
	SECURITY	12			
	HOURS WORKED	14	\$25.00	\$4,200.00	
	FICA 7.65 FOR SECURITY			\$321.30	
	TOTAL REMUNERATION			\$87,357.98	\$87,357.98
	HOURS WORKED	3		\$75.00	
	HOURS WORKED	8	\$25.00		
	FICA 7.65 FOR SECURITY			\$321.30	
	TOTAL WAGES SECURITY			\$4,521.30	
	PRO RATA COST SECURITY	1			
	REMUMERATIONS TOTAL			\$87,357.98	\$87,357.98
B	ELECTION NIGHT RETURNS				
	NUMBER OF SITES RETURNS	300	\$25.00	\$7,500.00	
	NUMBER OF KITS	300	\$35.00	\$10,500.00	
	TOTAL KITS AND RETURNS			\$18,000.00	\$18,000.00
C	RENTAL				
	NUMBER OF IVOTRONICS	1,500	\$237.80	\$356,700.00	
	NUMBER OF IVOTRONICS - ADA	300	\$286.10	\$85,830.00	
	NUMBER OF COMMPACS	300	\$80.00	\$24,000.00	
	NUMBER OF PEBS	1,200	\$7.50	\$9,000.00	
	NUMBER OF FLASH CARDS	300	\$33.00	\$9,900.00	
	NUMBER OF BALLOT CANS USED	0	\$6.00	\$0.00	
	NUMBER OF TV'S	300	\$10.00	\$3,000.00	
	TABLES	50	\$10.00	\$0.00	
	CHAIRS	150	\$2.50	\$0.00	
	TRAFFIC CONES	25	\$1.20	\$30.00	
	SHRINK WRAP COST	0	\$50.00	\$0.00	
	NUMBER OF BALLOT BOXES	25	\$1.45	\$36.25	
	COST OF LOCKS AND SEALS	300	\$1.50	\$450.00	

	TOTAL RENTAL			\$488,946.25	\$488,946.25
D	TRANSPORTATION				
	VANS		\$0.00	\$0.00	
	MOVERS		\$5,000.00	\$5,000.00	
	TRUCK RENTAL		\$5,000.00	\$5,000.00	
	PALLET JACK	0	\$0.00	\$0.00	
	PRO RATA COST	1			
	TRANSPORTATION			\$10,000.00	\$10,000.00
	TRANSPORTATION TOTAL			\$0.00	
E	PROGRAMMING, EQUIPMENT, TECHNICAL SERVICES				
	PERSONEL COST				
	PROGRAMMER HOURS	80	\$50.00	\$4,000.00	
	CENTRAL COUNTING STATION JUDGE	8	\$7.00	\$56.00	
	REGIONAL SENDING SITES	1	\$560.00		
	NUMBER OF SITES/PERSONNEL	5		\$2,800.00	
	CENTRAL COUNTING STATION MGR HRS	25	\$40.00	\$1,000.00	
	TABULATION SUPERVISOR HOURS	8	\$35.00	\$280.00	
	ASST TO TAB. SUPERVISOR HOURS	8	\$25.00	\$200.00	
	COMPUTER COST	1	\$40,500.00	\$40,500.00	
	TABULATION SOFTWARE	1	\$25,800.00	\$25,800.00	
	AIS 650 OPTICAL SCANNERS	2	\$7,600.00	\$15,200.00	
	PUBLIC TEST	1	\$50.00	\$50.00	
	PREVENTIVE MAINT. INSP	1	\$2,600.00	\$2,600.00	
	PICK AND DELIVERY	0	\$20.00	\$0.00	
	PRO RATA COST	1			
	INFORMATION SERVICES			\$92,486.00	
	TOTAL PETS			\$92,486.00	\$92,486.00
F	ELECTION DEPARTMENT STAFF				
	NUMBER OF EMPLOYEES	12	\$16.38		
	HOURS WORKED	35		\$6,879.60	
	FICA 7.65			\$526.29	
	PRO RATA COST	1			
	TOTAL STAFFTIME WAGES			\$7,405.89	\$7,405.89
G	TEMPORARY EMPLOYEE				
	NUMBER OF EMPLOYEES (POST ELEC.)	1			
	HOURS WORKED	3	\$10.00	\$30.00	
	PRO RATA COST	1		\$0.00	
	WORKMANS COMP UNEMPLOYEMENT	1	\$49.33	\$49.33	
	PHONE BANK RATE PER HOUR		\$8.25	\$0.00	
	HOURS WORKED	13			
	NUMBER OF EMPLOYEES	20		\$2,145.00	
	TEMPORARY EMPLOYEE COST			\$2,224.33	
	FICA 7.65			\$170.16	

	TOTAL TEMP EMPLOYEE COST			\$2,394.49	\$2,394.49
H	PUBLICATION				
	EXPRESS NEWS ACCURACY TEST		\$500.00	\$500.00	
	LA PRENSA		\$0.00	\$0.00	
	PRO RATA COST	1			
	TOTAL PUBLICATION			\$500.00	\$500.00
I	MISCELLANEOUS				
	NOTIFICATION TO JUDGES/payroll	3,000	\$0.40	\$1,200.00	
	CELL PHONES AND AIRTIME	300	\$30.00	\$9,000.00	
	TOTAL MISCELLANEOUS			\$10,200.00	\$10,200.00
J	SUMMARY ELECTION DAY COST				
	REMUNERATIONS			\$87,357.98	\$87,357.98
	ELECTION KITS AND RETURNS			\$18,000.00	\$18,000.00
	RENTAL			\$488,946.25	\$488,946.25
	STAFFTIME			\$7,405.89	\$7,405.89
	PRINTING COST			\$0.00	\$0.00
	INFORMATION SERVICES			\$92,486.00	\$92,486.00
	TEMPORARY EMPLOYEE COST			\$2,394.49	\$2,394.49
	PUBLICATION			\$500.00	\$500.00
	TRANSPORTATION			\$10,000.00	\$10,000.00
	MISCELLANEOUS			\$10,200.00	\$10,200.00
	ELEC. DAY COST SUBTOTAL			\$717,290.61	\$717,290.61
	TOTAL ELECTION DAY			\$717,290.61	\$717,290.61
	10% CONTRACT FEE			\$71,729.06	\$71,729.06
	Grand Total Election Day			\$789,019.67	\$789,019.67

	Total	ESTIMATE
Early Voting Grand Total	\$190,023.02	\$190,023.02
Election Day Grand Total	\$789,019.67	\$789,019.67
Total For Early Voting and Election Day	\$979,042.69	\$979,042.69
Pro Rata Share 39%	\$381,826.65	\$381,826.65
Amount of Deposit	\$190,913.32	\$190,913.32
Final Deposit	\$190,913.32	\$190,913.32
(Overpaid)/Underpaid		